IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 1253 of 2007(Y)

PETITIONER:

DR.T.R.GOPALAKRISHNAN,
ASSOCIATE PROFESSOR & HEAD OF THE DEPARTMENT,
DEPT. OF OLERICULTURE, COLLEGE OF HORTICULTURE,
VELLANIKARA, NOW ON DEPUTATION AS CHIEF
EXECUTIVE OFFICER, VEGETABLE & FRUIT PROMOTION
COUNCIL, MYTHRI BHAVAN, KAKKANAD,
ERNAKULAM,COCHIN

BY ADV. SRI.P.V.JAYACHANDRAN
SMT.KEERTHI SOLOMON

RESPONDENT:

THE REGISTRAR,
KERALA AGRICULTURE UNIVERSITY,
K.A.U.POST, VELLANIKARA, TRISSUR.

BY ADV. SHRI N.D. PREMACHANDRAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 1253 OF 2007 Y

Dated this the 11th January, 2007

JUDGMENT

The prayers in the Writ Petition are as follows:

> *"a) Issue a writ of mandamus or other appropriate writ, direction or order directing the respondent to conduct career advancement promotion of the petitioner to the post of Professor in the scale of Rs.16400-22400 in 1996 UGC scheme forthwith;*
>
> *b) direct the respondent to disburse two advance increments with effect from 27.7.98 for having Ph. D. in service."*

2. Heard the learned counsel for petitioner and the learned standing counsel appearing on behalf of the respondent University. As far as the prayer relating to conducting of career advancement promotion to the post of Professor under the 1996 UGC Scheme is concerned, it is submitted by learned standing

counsel that the University is prepared to conduct the career advancement promotion, and it is only due to the obstruction from other teachers that it is not being conducted.

3. There will be a direction to the respondent to conduct the career advancement promotion of the petitioner to the post of Professor under the 1996 UGC Scheme, if the petitioner is legally entitled to the same, within a period of three months from the date of receipt of a copy of this Judgment.

4. As far as the other prayer is concerned, the case of petitioner is that the matter is covered by the Judgment of this Court in OP No.29149/03 as confirmed in W.A. No.118/05. It is stated that Ext.P2 was issued by the Government of Kerala, wherein it was ordered that College Teachers who have acquired Ph. D. prior to 1.1.1996 including Readers, Professors and Principals who were not given the benefit of any advance increments as per earlier Career Advancement Scheme, are

eligible for two advance increments which will be applicable from 27.7.1998. It was also ordered that Lecturers when redesignated as Readers will continue to receive the benefit. Learned standing counsel does not dispute the fact that the petitioner has acquired Ph. D. prior to 1.1.1996. It is submitted by the standing counsel also that financial burden in regard to advance increments in question is to be borne by the University. In view of the fact that the Judgment of the learned Single Judge has become final and as there is no case for the University that the University has gone in Appeal against the Judgment of the Division Bench, I feel that there cannot be any ground to deny the petitioner of advance increments, if he is legally entitled to. Standing counsel pleads financial difficulty. He would pray for three months' time to effect payment of advance increments legally due to petitioner. In such circumstances, there will be a further direction to the respondent to disburse the two advance

increments due to the petitioner as expeditiously as possible and, at any rate, within a period of three months from the date of receipt of a copy of this Judgment.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.